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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,485	12/19/2001	Alan W. O'Neill	36-1674	7995
23117 7590 01/29/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER HSU, ALPUS	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/018,485

Applicant(s)

O'NEILL ET AL.

Examiner

Alpus H. Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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1. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, line 2, "ODMA" should read as -- CDMA --.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 7, 11, 12, 16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by RAMJEE et al. in U.S. Patent No. 6,842,462 (of record), hereinafter referred to as RAMJEE.

Referring to claims 1-4, 7, 11, 12, 16-22, RAMJEE discloses a method of controlling routing of packets in a connectionless routing protocol network including an infrastructure of packet switching nodes (routers R4-R6) interconnected by packet transport links, and a plurality of access nodes (Base Stations BS5-BS8) to which a routing path, defined by data held in packet switching nodes located along said routing path, may be directed in said infrastructure for a given network address, said method comprising: routing packets along a first routing path for a first network address, which routing path is directed to a first access node serving a mobile node using said first network address via a communications link; designating an interface, other than the communications link to the mobile node from the first access node, on which to forward packets arriving along said first routing path to a second access node; subsequent to the designation of said interface, handing over the communications link of the mobile node, such

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that the second access node serves said mobile node; and responsive to the handing over of the communications link, altering routing in said infrastructure for said first network address to create a second routing path for said first network address, directed to said second access node; responsive to the creation of said second routing path, altering routing in said infrastructure for said first network address to remove said first routing path; and routing packets to said second access node via said second routing path; wherein packet encapsulation, packet tunneling, and network address being IP address have been utilized (see col. 2, lines 10-47, col. 3, lines 45-61, col. 4, lines 2-13, 40-44).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over RAMJEE in view of RAUHALA in U.S. Patent No. 6,611,547 (of record), hereinafter referred to as RAUHALA.

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Referring to claims 5 and 6, RAMJEE differs from the claims, in that, it does not disclose the features of including one or more control packets for initiating the routing alteration and managing the routing alteration transmission, which are well known in the art and commonly used in communications field for signaling and control purposes.

RAUHALA, for example, from the similar field of endeavor, teaches the uses of one or more control packets (signaling messages) for initiating the routing alteration and managing the routing alteration transmission (see abstract), which can be easily adopted by one of ordinary skill in the art to implement into the method of RAMJEE to provide data communication signaling and control to further improve the system performance.

7. Claims 8-10 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over RAMJEE in view of BRUNO in U.S. Patent No. 6,614,765 (of record), hereinafter referred to as BRUNO.

Referring to claims 8-10, 13-15, RAMJEE differs from the claims, in that, it does not disclose the features of providing routing update and routing update acknowledgement, which are also well known in the art and commonly used in communications field for dynamically managing the routing of information over the communication network.

BRUNO, for example, from the similar field of endeavor, teaches the utilization of routing update and routing update acknowledgement (see col. 6, line 46 to col. 7, line 22), which can be easily adopted by one of ordinary skill in the art to implement into the method of RAMJEE to provide the dynamic management of the routing of information over the communication network to further improve the system efficiency.

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8. Applicant's arguments filed November 9, 2006 have been fully considered but they are not persuasive.

In the remark, the applicant mainly argued that Ramjee reference does not hint at the idea of designating an interface (i.e., tunnel) along which to forward packets from a first access node to a second access node, in particular where the designation of the interface is made after the handover from the first access node to second access node.

The examiner disagrees since in Ramjee, it discloses the features of “intercepting data packets for tunneling through the MIP network prior to normal handover” (see col. 3, lines 50-57), and “forwarding data packets directly from an old foreign agent to a new foreign agent to reduce disruption during handoff of the mobile device” (see col. 4, lines 10-13), which clearly implies the designation of an interface (i.e., tunnel) along which to forward packets from a first access node to a second access node prior to the handover process.

In view of the above reasoning, the examiner believes that all rejections under 102(e) and 103(a) should be sustained.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

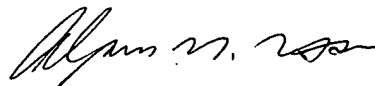
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AHH

Alpus H. Hsu
Primary Examiner
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